

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Gary D. Daniels,	:	
	:	Case No. 1:20-cv-691
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Order Directing Clerk of Court to Issue
Carroll Vernatter, <i>et al.</i> ,	:	Entry of Default Against Defendant
	:	James Terry
Defendants.	:	

This matter is before the Court on Plaintiff's Motion for Entry of Default Against Defendant James Terry (Doc. 31). After a failed first attempt of service upon Defendant Terry, Plaintiff requested that the Clerk of Court reattempt to serve a copy of the Summons and the Complaint upon Defendant Terry via certified mail at an alternative address. (Docs. 10, 23, 25.) The Summons was "Returned Executed (not Effectuated related to COVID19)" as to Defendant Terry on April 19, 2021. (Doc. 28.) Defendant Terry has failed to file an answer or responsive pleading within the time allowed. Plaintiff now seeks an entry of default against Defendant Terry. The Federal Rules of Civil Procedure provide in relevant part:

(a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

Fed. R. Civ. P. 55. Accordingly, Plaintiff's Motion is **GRANTED**. The Court directs the Clerk of Court to issue an Entry of Default against Defendant Terry pursuant to Rule 55(a).

IT IS SO ORDERED.

BY THE COURT:

S/Susan J. Dlott
Susan J. Dlott
United States District Judge